IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4786 OF 2007

Shri.Vijay s/0.Madhukar Handore. ...Petitioner

vs.

1.The State of Maharashtra & anr. ...Respondents.

Mr.M.S.Karnik, for the Petitioner.

Mr.A.H.Palekar, AGP for Respondents.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 20th December,2007.

P.C.:-

1. The grievance of the petitioner is that he had applied for the post of Field assistant and though he was eligible to appear for the written test held, he has not called for written

test. His application was rejected. In October, 2007 a reply has been filed on behalf of the respondents, in that they have stated that the letter calling the petitioner for written examination was sent to him under certificate of posting, but the petitioner did not appear for the written examination. Though the learned Counsel appearing for petitioner orally stated before us that the petitioner did not receive call letter, there is no rejoinder filed after receiving the affidavit-in-reply from the respondents which was filed in the month of October,2007. According to the respondents, the call letter was sent under certificate of posting and therefore, a statutory presumption arises that the letter was received by the addressee in due course of time. In case the petitioner had not really received the letter, he would have filed rejoinder and asserted that he never received the call letter. But the petitioner has not filed rejoinder asserting therein that he has not received any call letter, as a result we have no option but to accept the statement made in the

reply. In this view of the matter, therefore, nothing further can be done. The petition is disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)